THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.18980 of 2005

16.9.2005

Between:

P.Ramesh, S/o.Jagannatha Rao, Baburao Street,

Naidupet, Vijayawada – 13, Krishna District.

… Petitioner

AND

1. The District Level Committee for Sand Auctions,

Zilla Parishad Compound, Guntur, Guntur District

Rep. By its Chairman and another.

… Respondents

ORDER:

The petitioner was granted quarry lease for quarrying sank in respect of reach No.2 of Pathuru village, Tadepalli Mandal, Guntur District for a period of one year from 07.6.2001 to 06.6.2002 on the petitioner bidding a sum of Rs.90,00,000/- per annum. It appears that the second respondent by proceedings dated 21.4.2002 directed the petitioner to stop quarrying sand. Challenging the same, the petitioner filed W.P.No.8578 of 2002 and obtained interim order on 14.5.2002. After obtaining interim orders, the petitioner again commenced quarry operations till completion of the lease period on 06.6.2002. As he was prevented from carrying on the operations from 23.4.2002 to 18.5.2002 (26 days), he approached the District Level Committee for sand auctions on 19.8.2004 requesting to refund the proportionate bid amount of Rs.6.5 lakhs for 26 days. As he did not receive any response, the present writ petition is filed.

Learned Counsel for the petitioner does not dispute that either in Rules 9B to 9X of A.P.Minor Mineral Concession Rules, 1966 (the Rules, for brevity) or in the lease agreement, no right is conferred on the lessee to claim refund of the bid amount in the event of such lessee being prevented from quarrying the sand. However the learned Counsel for the petitioner submits that under Rule 9B(2)(b) of the Rules, the District Level Committee is conferred with the power to decide any matter arising during the course of implementation of the Rules and therefore, it was incumbent on the part of the District Level Committee to dispose of the representation. This legal position is not disputed by the learned Assistant Government Pleader for Panchayat Raj.

The writ petition is, therefore, is disposed of directing the first respondent to pass appropriate orders on the representation made by the petitioner on 19.8.2001 within a period of eight weeks from the date of receipt of a copy of this order.

The writ petition is, accordingly, disposed of. No costs.

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(**V.V.S.RAO,J**)

September 16, 2005.

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